

AMERICAN ARBITRATION ASSOCIATION
EMPLOYMENT ARBITRATION TRIBUNAL

KENT CLOWER

v.

DST SYSTEMS, INC.

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NO. 01-19-0001-8621

AWARD OF ARBITRATOR

I, Francine Friedman Griesing, the undersigned Arbitrator, having been appointed pursuant to the DST Arbitration Program Agreement entered into by the parties (“Arbitration Agreement”), and having been duly sworn, and having duly considered the claims and defenses of the parties, the evidence presented via testimony and documents during the evidentiary hearings and the extensive submissions by the parties post-hearing, hereby issue the following FINAL AWARD:

WHEREAS, Claimant Kent Clower (“Claimant”) claims that Respondent DST Systems, Inc. (“Respondent”) breached its fiduciary duties under ERISA and seeks monetary damages, attorneys’ fees and arbitrator fees and administrative costs of this proceeding.

WHEREAS, by agreement, a consolidated hearing with several other cases under the Arbitration Agreement, was held online via Zoom on December 7-11, 2020,

WHEREAS, in this proceeding, Claimant is represented by The Klamann Law Firm, Kapke & Willerth, White Graham, Buckley & Carr, and Humphrey, Farrington & McClain; and Respondent is represented by Paul, Weiss, Rifkind, Wharton & Garrison LLP, Stinson LLP and Shook, Hardy & Bacon L.L.P.;

WHEREAS, the parties agreed that the form of award should be a Standard Award, and further directed that the award should not be a reasoned award.

I find that Respondent is liable to Claimant and this Award is issued in favor of Claimant as set forth herein:

1. Claimant's claims against Respondent are **SUSTAINED**.
2. Claimant is awarded damages in the amount of \$16,473.29 to be paid by Respondent.
3. Claimant is awarded a total of \$4,941.99 for attorneys' fees and costs of this proceeding to be paid by Respondent.
4. Pursuant to the Arbitration Agreement, Respondent is responsible for the administrative fees of the American Arbitration Association, totaling \$2,950.00, and Respondent is responsible for the fees of the Arbitrator, totaling \$37,327.50.
5. This Award is in full resolution of all claims submitted to this Arbitration. All such claims not expressly granted are hereby denied.

I, Francine Friedman Griesing, do hereby affirm upon my oath as Arbitrator that I am the individual described herein and who executed this instrument, which is my Award.

SO ORDERED:



Francine Friedman Griesing
Arbitrator

Dated: March 19, 2021